

**\*E-FILED 7/23/07\***

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

THE REGENTS OF THE UNIVERSITY OF  
CALIFORNIA,

NO. C 03 05669 JW (RS)

Plaintiff/Counterclaim Defendant,

**ORDER SETTING BRIEFING  
SCHEDULE**

v.

MICRO THERAPEUTICS, INC., et al,

Defendants/Counterclaimants and Third  
Party Plaintiffs,

v.

BOSTON SCIENTIFIC CORPORATION, et al.

Third Party Defendants.

The Court has received defendants' letter dated July 20, 2007, relating to their desire to depose attorney Daniel Dawes for an additional 1.5 hours, in light of recent Court rulings requiring UC to produce correspondence between Dawes and others that had previously been withheld under a claim of privilege. Ordinarily, parties seeking expedited relief should comply with Civil Local Rule 6. The Court will also, where appropriate, entertain informal requests for Court action, but parties seeking such relief preferably should obtain advance approval from the Court and should submit joint letter briefs outlining the nature of the dispute and the parties' respective positions both on the merits and as to how the matter can or should be addressed procedurally. Local Rule 37-1(b),

1 cited in defendants' letter, is designed to permit expedited resolution of disputes that arise "during a  
2 discovery event," such as a deposition, when "disposition of the dispute during the discovery event  
3 likely would result in substantial savings of expense or time." As the matter raised in defendant's  
4 letter does not arise from a discovery event that is in-progress, Rule 37-1 (b) is not applicable.

5        Nevertheless, in the interest of judicial efficiency and on the understanding that the parties  
6 hereafter will not be permitted to seek relief through unilaterally filed letter requests, the Court will  
7 in this instance deem defendant's letter to have been filed in compliance with Local Rule 6-3 and  
8 7-1. Good cause appearing, it is hereby ordered that no later than 4:00 p.m. on July 26, 2007, UC  
9 shall file any opposition it may have, in a brief not to exceed 15 pages, as to why Daniel Dawes  
10 should not be produced for further deposition not to exceed 1.5 hours, and limited to the subjects  
11 implicated by the recent court-ordered production of previously withheld documents. The matter  
12 will then be submitted without further briefing or oral argument. The Court anticipates ruling on  
13 the matter in time to permit the deposition to go forward on August 1, 2007, in the event the  
14 deposition is allowed.

15  
16 IT IS SO ORDERED.

17 Dated: July 23, 2007

  
RICHARD SEEBORG  
United States Magistrate Judge

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28 ORDER  
C 03 05669 JW (RS)

**THIS IS TO CERTIFY THAT NOTICE OF THIS ORDER HAS BEEN GIVEN TO:**

David L. Anstaett david.anstaett@hellerehrman.com

Gabrielle E. Bina gbina@hewm.com

Wendy Lynn Bjerknes Wbjerknes@fenwick.com

Henry Zuzueta Carbajal , III hcarbajal@fenwick.com, ssanford@fenwick.com

Carolyn Chang cchang@fenwick.com, vschmitt@fenwick.com

Chien-Ju Alice Chuang achuang@fenwick.com, dyoungman@fenwick.com

Charles G. Curtis , Jr ccurtis@hewm.com

J. Anthony Downs jdowns@goodwinprocter.com

Julie Lynn Fieber jfieber@flk.com

Rita A. Hao rita.hao@ucop.edu

David J. Harth dharth@hewm.com, pdean@hewm.com, tanders@hewm.com,  
tgresl@hewm.com

David Edwin Jones dejones@hewm.com

Michael Francis Kelleher mkelleher@flk.com

Amanda Marie Kessel akessel@goodwinprocter.com

Lissa Rose Koop Lissa.Koop@Hellerehrman.com

Charlene Marie Morrow cmorrow@fenwick.com

Autumn Noelle Nero autumn.nero@hellerehrman.com, djmorgan@hellerhman.com

Lynn Harold Pasahow lpasahow@fenwick.com

Nicole Elise Perroton nperroton@goodwinprocter.com, lthomas@goodwinprocter.com

Michael Kenneth Plimack mplimack@hewm.com

Patrick Eugene Premo ppremo@fenwick.com, mguidoux@fenwick.com

Colin G. Sandercock csandercock@proskauer.com, cherron@proskauer.com

Roland Schwillinski rschwillinski@goodwinprocter.com

Michael Jeffrey Shuster mshuster@fenwick.com, tthomas@fenwick.com

John S. Skilton jskilton@hewm.com

Allison H Stiles astiles@goodwinprocter.com

ORDER

C 03 05669 JW (RS)

1 Michael G. Strapp mstrapp@goodwinprocter.com

2 Patrick Shaun Thompson pthompson@goodwinprocter.com

3 Michelle M. Umberger mumberger@hewm.com, zseyferth@hewm.com

4 Sarah C. Walkenhorst swalkenhorst@hewm.com

5 Paul F. Ware , Jr pware@goodwinprocter.com

6 Counsel are responsible for distributing copies of this document to co-counsel who have not  
7 registered for e-filing under the Court's CM/ECF program.

8 **Dated: 7/23/07**

**Chambers of Judge Richard Seeborg**

9  
10 **By: /s/ BAK**

**United States District Court**  
For the Northern District of California

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28 **ORDER**  
**C 03 05669 JW (RS)**